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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 _____)
9 EDMONDS SCHOOL DISTRICT,)

10 v.) Plaintiff,)

11 A.T., a minor child, *et al.*,)

12 Defendants.)
13 _____)

Cause No. C16-1500RSL

ORDER GRANTING IN PART
DEFENDANTS' MOTION FOR
ATTORNEY'S FEES

14 This matter comes before the Court on "Defendants' Motion for Attorney's Fees." Dkt.
15 # 22. The Court, having reviewed the record in this matter as well as the memoranda,
16 declarations, and exhibits submitted by the parties, finds as follows:

17 The parties agree that defendants prevailed in the above-captioned matter and are entitled
18 to an award of reasonable attorney's fees related to the administrative hearing, the federal
19 appeal, and the fee petition. Counsel's hourly rates and, with limited exceptions discussed
20 below, hours billed are reasonable. Defense counsels' hourly rates are less than those charged by
21 plaintiff's lawyers and are similar to and consistent with the prevailing market rates for
22 education attorneys in this geographic area. The number of hours defense counsel dedicated to
23 this action through summary judgment (549.7)¹ is significantly less than those billed by

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25 ¹ Defense counsel further reduced the number of hours billed (and the overall amount of fees
26 sought) in reply.

ORDER GRANTING IN PART DEFENDANTS'
MOTION FOR ATTORNEY'S FEES

1 plaintiff's counsel (697.25). Given the challenging facts related to the manifestation of the
2 student's disability and the lengthy educational record that had to be parsed in order to present
3 her client in a positive light while highlighting plaintiff's statutory violations, the hours spent
4 were reasonable. The total charges assessed by counsel are comparable (plaintiff's counsel
5 charged \$170,460.25 while defense counsel initially sought recovery of \$154,490.00).² The
6 Court declines to second guess counsel's time management and communication decisions
7 through the appeal, especially where the overall charges are less than what plaintiff's counsel
8 charged and resulted in a far better outcome. "By and large, the court should defer to the
9 winning lawyer's professional judgment as to how much time [s]he was required to spend on the
10 case; after all, [s]he won, and might not have, had [s]he been more of a slacker." Moreno v. City
11 of Sacramento, 534 F.3d 1106, 1112 (9th Cir. 2008).

12 Certain tasks and charges are not recoverable, however. The Court has deducted an
13 additional \$1,327.50 related to the unsuccessful (and subsequently unhelpful) expedited hearing
14 request and \$337.50 in fees associated with A.T.'s educational placement. The Court also finds
15 that the motion for attorney's fees is neither unique nor complicated and should not have cost
16 more than a third of what the entire federal appeal cost. The charges related to the fee petition
17 will be reduced by \$3,645.00. Defendants are, however, entitled to the full \$8,400.00 charge
18 associated with the reply memorandum: plaintiff raised multiple issues, many of which were
19 unpersuasive or meritless, forcing defense counsel to respond in a comprehensive (and
20 correspondingly expensive) manner.

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25 ² After reviewing plaintiff's objections to the fee petition, defendants excluded additional tasks
26 from the fee request. The Court adopts the \$5,055.00 reduction.

1 For all of the foregoing reasons, defendants' motion for attorney's fees is GRANTED in
2 part. Within thirty days of the date of this order, plaintiff shall pay to defense counsel, in trust for
3 defendants, \$166,227.50 as compensation for attorney's fees generated in the underlying
4 administrative proceeding, the federal appeal in the District Court, and this fee petition.

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6 Dated this 4th day of May, 2018.

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8 Robert S. Lasnik

9 United States District Judge
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